



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
Elmendorf AFB, Alaska 99506-0898

PUBLIC NOTICE DATE: 30 January 2007

EXPIRATION DATE: 13 February 2007

REFERENCE NUMBER: POA-1999-1218-P

WATERWAY: Potter Marsh

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Alaska Department of Fish and Game (ADF&G), 333 Raspberry Road, Anchorage, Alaska 99518-1565.

AGENT: Alaska Department of Natural Resources, Division of Parks and Recreation, 550 W. 7th Avenue, Suite 1340, Anchorage, Alaska 99501-3561.

LOCATION: The proposed project is located within Section 4, T. 11 N., R. 3 W., Seward Meridian; Latitude 61.0776° N., Longitude -149.8270° W.; at the north end of Potter Marsh, south and east of the parking lot; in Anchorage, Alaska.

PURPOSE: To enhance scenic and interpretive opportunities for residents and visitors to the Anchorage Coastal Wildlife Refuge at Potter Marsh. Improvements also would enhance the ability of the public to view wildlife and fish spawning by improving the marsh habitat.

WORK: Construct 900 feet of elevated wooden boardwalk and three viewing decks that will have benches, interpretive displays, and spotting scopes. One of the viewing decks would accommodate up to 20 people. The project would include a 120 foot boardwalk spur with a viewing area that would lead to an existing grassy area that would be used for outdoor education. Boardwalks would be constructed on pilings. Within the marsh, ADF&G would construct a 3.1 acre pond, a 0.3 acre marsh, and 0.6 acres of gravel flow channels. Fill for the pilings would total approximately 120 cubic yards; material moved and/or added for the work in the marsh would total approximately 3,300 cubic yards. Pilings would fill approximately 0.0001 acres of wetland; fill for the gravel flow channels and marsh area would total approximately 0.6 acres. Details on the proposed project are included on the enclosed plans (sheets 1-6, various original dates and re-dated by the Corps as 1/07).

ADDITIONAL INFORMATION: This is the second phase of the three-phase project to improve visitor amenities and enhance fish and wildlife habitat at Potter Marsh. The original permit was issued on May 21, 2003, to ADF&G to expand the parking lot and add a settling basin and a boardwalk into Potter Marsh. The work required 2,700 cubic yards of fill material placed into 0.50 acres of wetland. On September 29, 2005, the permit was modified to extend the time limit for completing the work to March 31, 2007. On January 4, 2006, special condition #2 was modified to authorize work in the parking lot between 20 April and 15 July provided the ground had already been disturbed to preclude birds from nesting in the area. Work on phase 1 began during the spring of 2006. The time limit for completing phase 1 has been extended to March 31, 2008.

The third phase envisions a connection between the Potter Marsh Public Viewing area and an Alaskan Bird Center (ABC) that may be built on the bluff. The boardwalk, which would cross Rabbit Creek, would be built to comply with the requirements of the Americans with Disabilities Act. The third phase would not occur until construction of the ABC provides a reason for the marsh to be accessed from it.

MITIGATION: As a result of pre-application coordination, the applicant has incorporated into the proposed project the following mitigation efforts to reduce impacts to the aquatic environment. The ADOT/PF submittal to the Federal Highway Administration (4/21/00) included 5 mitigation measures that also apply to Phase 2. These mitigating measures are summarized in the following bullets:

- An Erosion and Sedimentation Control Plan will be incorporated into the plans and specifications for the project. Appropriate erosion and siltation controls will be used and maintained in effective operating condition during construction. All exposed soil and other fills will be permanently stabilized at the earliest practicable date.
- The contractor will develop and implement a hazardous material control plan. If hazardous waste contamination is encountered in the project construction, it will be handled according to an approved Alaska Department of Environmental Conservation corrective action plan. The Contractor's equipment maintenance program will ensure that the construction equipment is running effectively. Dust will be controlled through watering.
- If cultural, archeological, or historical resources are discovered in the process of project construction, work that would impact these resources will be stopped, and the State Historic Preservation Officer will be contacted.
- Notice of area closures will be provided to the public and to the users of the Potter Marsh Boardwalk prior to and during construction, in order to minimize impacts. The setting of pilings for the boardwalk extension will be done during winter, which will further decrease impacts on the Potter Marsh Boardwalk users.
- If threatened or endangered species are observed during project construction, work that would impact these resources will be stopped, and the U.S. Fish and wildlife Service contacted prior to proceeding. Work will be done in compliance with the Bald Eagle Protection Act.

The relevant portions of the special conditions on the current permit from the U.S. Army Corps of Engineers, Regulatory Division, will be included on the modification for the current authorization. These include:

1. The work area shall be clearly marked with snow fence, flagging, or other distinctive material and no construction activities will be allowed in wetlands outside the footprint (equipment operation, stock piling materials, maintenance of vehicles and equipment, etc).

2. Ground disturbance and wildlife-precluding habitat alterations within the approved project footprint, specifically including: vegetation clearing, grubbing, pile driving and boardwalk construction, are prohibited between 20 April and 15 July. (Note: this special condition will modified to specify that all equipment working in the marsh shall be used only under frozen conditions.)
3. The project manager will ensure that fill material is free of contamination by petroleum projects and noxious plant material.

Debits and credits for the project will be calculated using the 2000 Anchorage Debit-Credit Methodology.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area.

Preliminarily, the described activity will not affect threatened or endangered species, or modify their designated critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996, 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service.

We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

SPECIAL AREA DESIGNATION: The project is located within the Anchorage Coastal Wildlife Refuge at Potter Marsh.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an

Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Ms. Maureen McCrea at (907) 753-2712, toll free from within Alaska at (800) 478-2712, or by email at maureen.mccrea@poa02.usace.army.mil, if further information is desired concerning this notice.

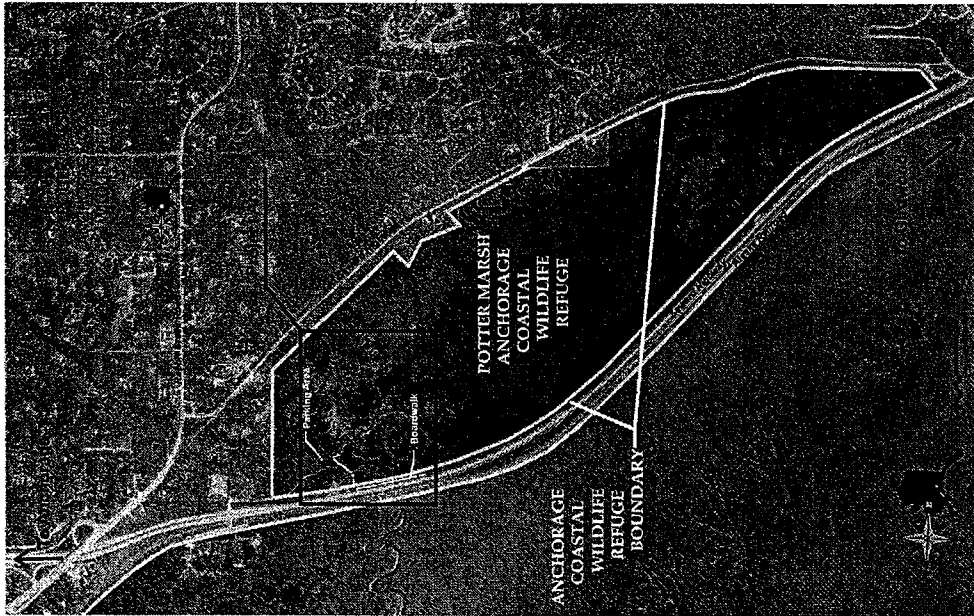
AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

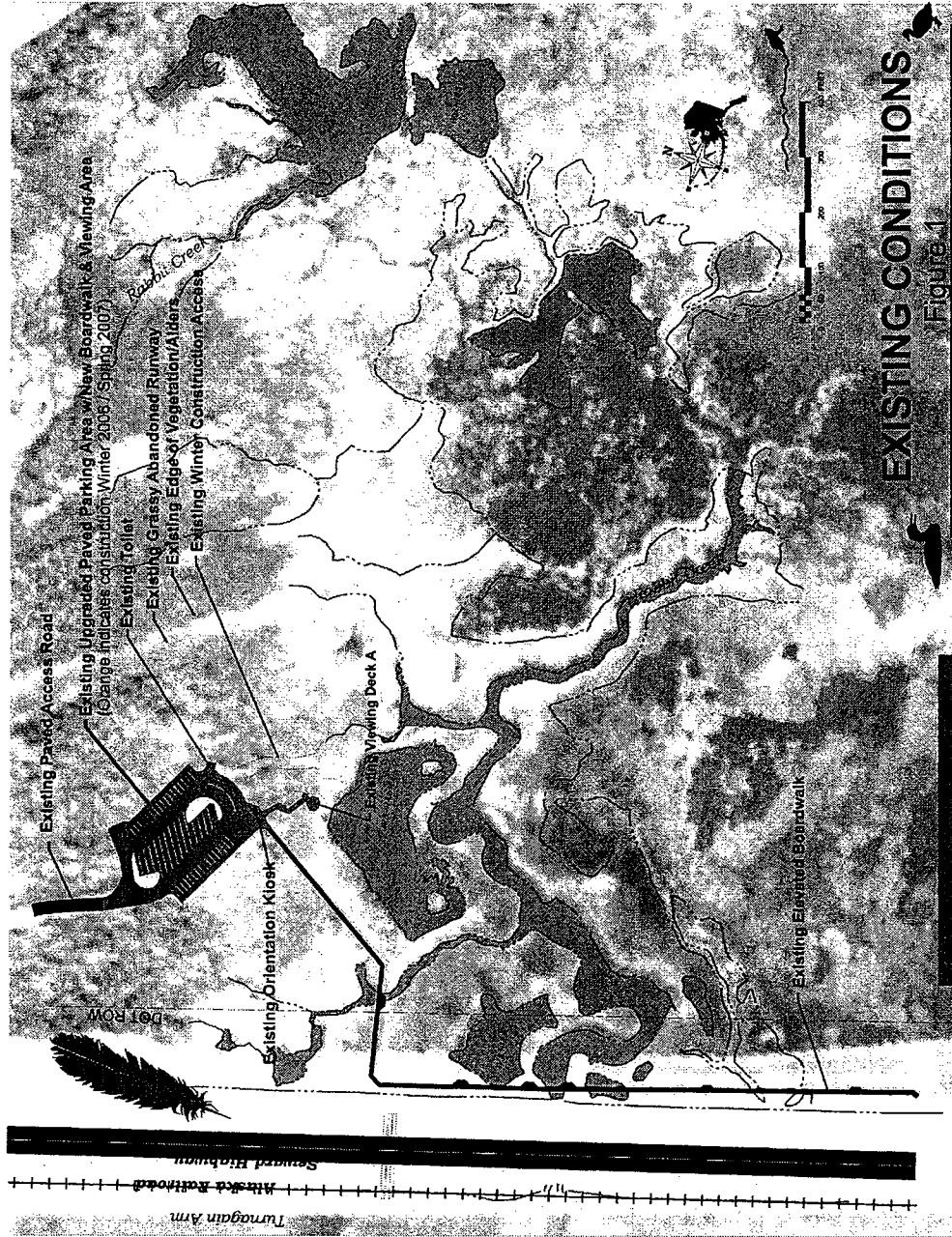
A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

Attachments



PROJECT LOCATION MAP



EXISTING CONDITIONS

Figure 1

Department of Natural Resources
for
Division of Parks & Outdoor Recreation

Conoco Phillips

Alaska Department of Transportation

Alaska Department of Fish & Game

Municipality of Anchorage

Project: Potter Marsh Boardwalk Trailhead & Access Improvements
Project Number: TEA-0001 (373)/54290

POA-1999-1218-P

Potter Marsh

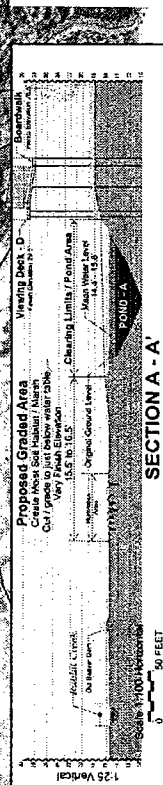
Alaska Dept. of Fish and Game
Phase 2, Access and Habitat Improvements

Jan. 2007

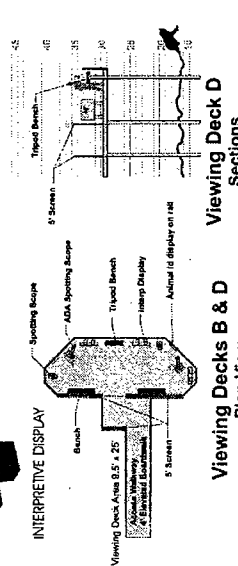
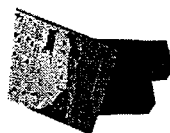
Sheet 1 of 6

Potter Marsh
Boardwalk

Anchorage Coastal Wildlife Refuge



NOTE: Spotting scopes & tripod bench placed on separate pilings from deck structure

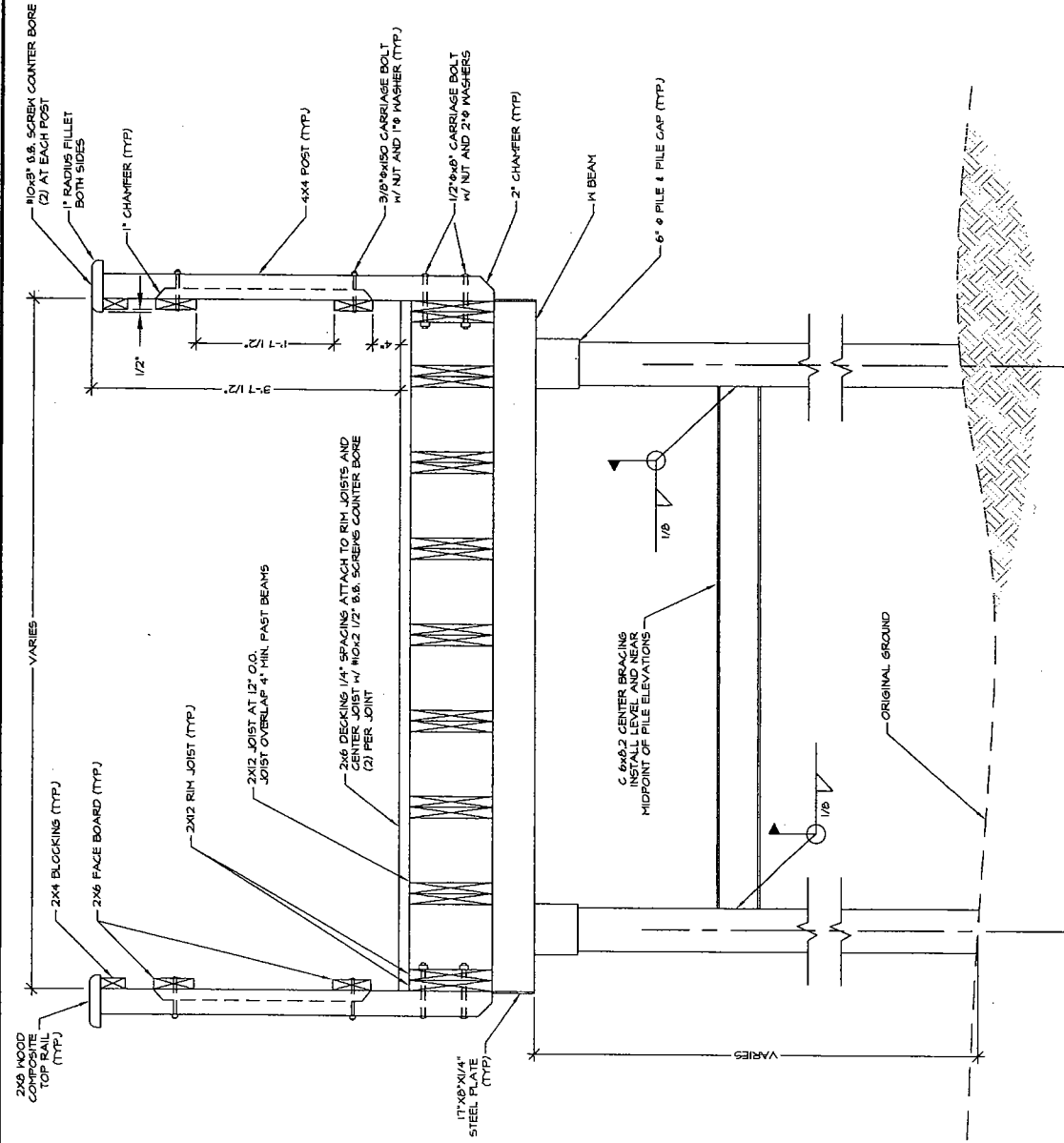


SITE PLAN - CONCEPT

Department of Natural Resources
Division of Parks & Outdoor Recreation
for
Conoco Phillips
Alaska Department of Transportation
Alaska Department of Fish & Game
Municipality of Anchorage

Project: Potter Marsh Boardwalk Trailhead & Access Improvements
Project Number: TEA-0001 (373/94290)
Date: December 11, 2006

| STATE | PROJECT DESCRIPTION | YEAR | SHEET NO. | TOTAL SHEETS |
|--------|--------------------------|------|-----------|--------------|
| ALASKA | XXXX-XXXX-XXXX-XXXX-XXXX | 06 | XX | XX |



| | |
|---------------|--------------|
| PREPARED: RJD | SHEET |
| DRAWN: RJD/MS | XX |
| REVIEWED: MS | XX |
| DATE: 02/02 | OF XX SHEETS |

PEDESTRIAN BOARDWALK
TYPICAL SECTION

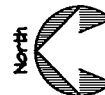
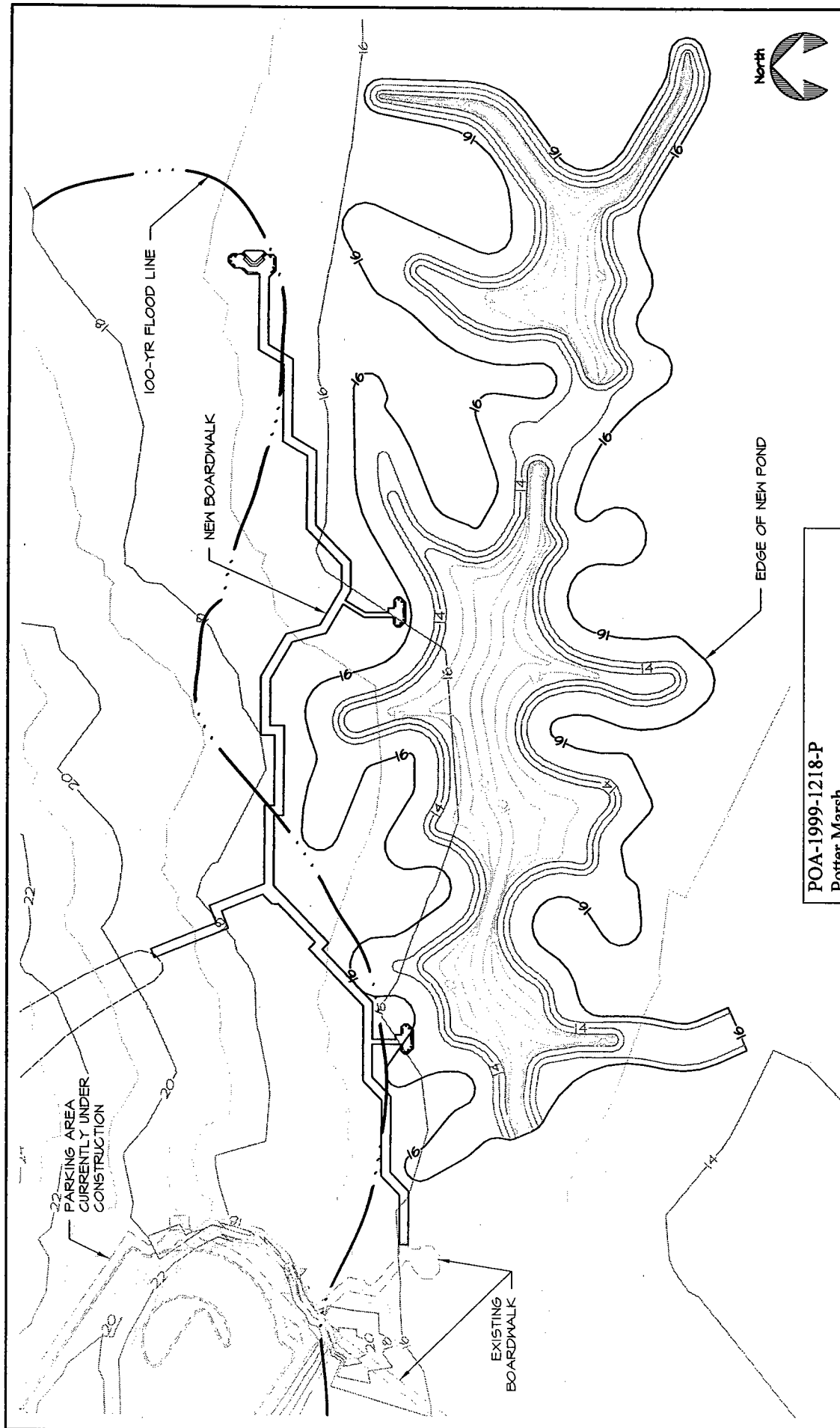
POA-1999-1218-P
Potter Marsh
Alaska Dept. of Fish and Game
Phase 2, Access and Habitat Improvements
Jan. 2007
Sheet 4 of 6

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF PARKS AND OUTDOOR RECREATION
STATE OF ALASKA



FIGURE 4

Sheet 5 of 6



| FLOOD PLAIN OVERVIEW | | | |
|----------------------|------------|---------------|---------------|
| PREPARED: JAS | DRAWN: JAS | REVIEWED: RSH | DATE: 01/07 |
| SHEET | | | OF 101 SHEETS |

POA-1999-1218-P
Potter Marsh
Alaska Dept. of Fish and Game
Phase 2, Access and Habitat Improvements
Jan. 2007 Sheet 6 of 6

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF PARKS AND OUTDOOR RECREATION STATE OF ALASKA

ADF&G AND ADOT

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER

401 Certification Program

Non-Point Source Water Pollution Control Program

**NOTICE OF APPLICATION
FOR
STATE WATER QUALITY CERTIFICATION**

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-1999-1218-P, Potter Marsh, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation
WQM/401 Certification
555 Cordova Street
Anchorage, Alaska 99501-2617
Telephone: (907) 269-6281
FAX: (907) 269-7508

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING

OFFICE OF PROJECT MANAGEMENT AND PERMITTING
550 WEST 7TH AVENUE, SUITE 705
ANCHORAGE, ALASKA 99501-3559
PHONE: (907) 269-7470/FAX: (907) 269-3981

**NOTICE OF APPLICATION
FOR
CERTIFICATION OF CONSISTENCY WITH THE
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. **POA-1999-1218-P, Potter Marsh**, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

The Office of Project Management and Permitting requests your comments, particularly on the proposed project's consistency with the affected local coastal district management program. For more information on the consistency review contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.